

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN BERNHOLT, and BERNHOLT
DESIGN SOLUTIONS, INC.,

Plaintiffs,

vs.

JEFF ALLEN, ABP ENGINEERING,
LLC, MMIS HOLDINGS, LLC, and
MIDWEST MECHANICAL INDUSTRIAL
SERVICES, LLC,

Defendants.

8:19CV419

ORDER

This matter is before the court on the parties' joint motion to modify the progression schedule, (Filing No. 35). Accordingly, IT IS ORDERED that the joint motion (Filing No. 35) is granted the final progression order is extended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is October 16, 2020. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by October 30, 2020.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 2) The deadline for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#))) is November 10, 2020.
- 3) The deadlines for complete expert disclosures¹ for all experts expected to

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated

testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): December 11, 2020.

For the defendant(s): January 15, 2021.

Plaintiff(s)' rebuttal: January 29, 2021.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is February 12, 2021.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is March 9, 2021.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is March 9, 2021.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 4th day of August, 2020.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

within that expert's treatment records and reports must be separately and timely disclosed.